IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

RPFC.No. 26 of 2007(E)

MC NO.389/2006 OF THE FAMILY COURT, MALAPPURAM.

REVISION PETITIONER/PETITIONER

CHITTANGADAN SAIDALAVI (MENTALLY
RETARDED REPRESENTED BY HIS BROTHER
MOAMMED, KURUVALIL HOUSE, OZHUKUR P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.JOSEPH SEBASTIAN PURAYIDAM

RESPONDENTS/RESPONDENT
---

1. PUKKADAN SAJITHA, D/O.USMANKUTTY (LATE),
KUZHIYAMPARAMB, KUZHIMANNA AMSOM,
PALAKKADU P.O., KUZHIMANNA VIA,
ERANADU TALUK.

2. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 22/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

R.P (F.C) NO. 26 of 2007

Dated this the 22nd day of February, 2007

ORDER

The revision petitioner is the respondent in M.C.389/2006 in the file of Family Court, Malappuram. He has sought for setting aside the order in C.M.P.No.1992/2006 and C.M.P.No.1993/2006, which applications were filed by his brother for appointing him as his guardian and also for getting examined by a medical board. The contention is that the petitioner is a mentally retarded person and is unable to defend himself in the proceedings. The only evidence adduced before the court below is Ext.P1 prescription which is hardly sufficient to sustain and prove the contention. As noted by the court below, the prescription is dated 15.12.2006. Considering the order of the court below, I find that there is no ground to interfere therein.

The revision petition is dismissed.

K.R.UDAYABHANU,JUDGE.

mma/-